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March 3, 2020

BY ECF and E-Mail

Honorable Edgardo Ramos
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Mark S. Scott, S10 17 Cr. 630(ER)

Dear Judge Ramos:

Please accept this letter as my request for leave to permit me to attend the bond hearing scheduled for March 12, 2020 at 5:00 pm by telephone. Mr. Devlin-Brown, and Mr. Scott will be present in Court for the hearing.

During the past few weeks a crisis has developed arising from the spread of the coronavirus. The virus has proven to be highly contagious and in a significant percentage of cases, fatal. The Center of Disease Control initially set a testing protocol that tested only persons traveling from certain geographic regions of China, Iran and Italy. No other persons were tested at the airports and seaports of the United States even if the person displayed symptoms associated with the virus.

The Center of Disease Control has recently changed its testing protocol to include persons at seaports and airports that display symptoms associated with the coronavirus. With the new testing protocol the Center of Disease Control anticipates a significant increase in the number of confirmed cases in the United States. At the present time there are approximately 100 confirmed cases.

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March 3, 2020
Page -2-

Persons with the coronavirus may have the disease for up to 14 days without displaying any symptoms but during this period of time may be contagious. Approximately 50 percent of the confirmed cases have been traced to persons who have traveled by aircraft. The remaining cases have been traced to persons who have traveled by cruise ship with a few cases that appear to have contracted the virus from exposure to the community.

Most disturbing, today it is reported that a lawyer who works in Manhattan, New York traveled to Miami, Florida by airplane while he was ill and returned to New York. To attend the hearing scheduled for March 12, 2020 at 5:00 pm, Mr. Garvin will be required to travel by airplane from Miami, Florida to New York. The following day, Mr. Garvin will be required to travel with approximately 150 other passengers for several hours in an enclosed environment from New York to Miami, Florida. Both Florida and New York are states with confirmed cases of coronavirus.

The air conditioning system of the aircraft recirculates the cabin air. Passengers on each flight will not know for 14 days whether they were unfortunate enough to have contracted the disease. Through this motion the undersigned seeks to avoid placing himself in harm's way.

Counsel for the United States have stated that the United States has no objection to this motion. The granting of this motion will not prejudice any party. The interests of justice would be best served by the granting of this letter motion. Based upon the aforementioned, the undersigned respectfully moves for leave to attend the bond hearing scheduled for March 12, 2020 at 5:00 pm by telephone.

Respectfully submitted,

/s/ David M. Garvin
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